REMARKS

This is a full and timely response to the non-final Official Action mailed **December 13, 2007** (the "Office Action" or "Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification has been amended to correct minor informalities. No amendments to the claims are proposed by the present paper. Thus, claims 1-62 are currently pending for further action.

Objection to Specification:

In the outstanding Office Action, the Examiner objected to various paragraphs of the specification due to several noted informalities. These issues have been addressed by the present amendment. No new matter has been added. Therefore, following entry of this amendment, the objection to the specification can be reconsidered and withdrawn.

Prior Art:

Claims 1-16, 18-32, 34-45 and 47-61 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent App. Pub. No. 2004/0252243 to Stewart ("Stewart"). For at least the following reasons, this rejection should be reconsidered and withdrawn.

In the first place, Applicant notes that the Stewart reference is *not* valid prior art against the present application under § 102(e). The Stewart reference was published December 16, 2004 based on an application that was filed in the U.S. on May 3, 2004. This filing date of May 3, 2004 is *after* the filing date of the present application on March 26,

2004. Consequently, Stewart does not qualify as prior art under 35 U.S.C. § 102 against the present application. Therefore, all the rejections of the recent Office Action based on Stewart must be reconsidered and withdrawn.

Because the Stewart reference was filed originally as a PCT application, there is presumably an international publication of Stewart that the Office might consider citing which might be valid prior art. Consequently, should the Office consider this course of action, Applicant will now additionally explain how the Stewart reference fails to teach or suggest the subject matter of Applicant's claims.

Claim 1 recites:

> A system for controlling an exterior television antenna comprising:
> *an amplifier circuit mounted on a building exterior with said exterior television antenna* and connected to said television antenna; and
> a control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

(Emphasis added).

Thus, claim 1 calls for "an amplifier circuit mounted on a building exterior with said exterior television antenna." This amplifier circuit is has a variable gain that is controlled with "a control line extending into an interior of said building." In contrast, Stewart fails to teach or suggest this subject matter.

Stewart teaches an antenna array (12) mounted outside a structure (18). Stewart further teaches a television signal processor (TSP) (14) that receives the signal from the antenna array (12). However, there is no teaching or suggestion of an amplifier in the system of Stewart.

As shown in Fig. 7 of Stewart, the TSP (14) includes a plurality of tuners (52), each extracting a specific signal from the signal received from the antenna array (12). Each tuned

signal is converted to a digital signal using an A/D converter (56). Then, the digital signals are individually conditioned *digitally* with phase and gain adjustment processing (60).

Consequently, Stewart does not teach or suggest an amplifier circuit, mounted with and connected to a television antenna, where the amplifier circuit has a variable gain that is controlled by a control line. Rather, Stewart teaches converting the analog television signal to a digital signal and then adjusting the gain digitally without an amplifier or control line as recited in claim 1. Therefore, Stewart is entirely inapposite to the claimed subject matter.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart is entirely inapposite to the claimed subject matter. Therefore, even if Stewart were valid prior art against the present application, for at least the reasons explained here, the rejection based on Stewart of claim 1 and its dependent claims should be reconsidered and withdrawn.

Claim 18 recites:

> A method for controlling an exterior television antenna comprising:
> selectively amplifying a signal from said television antenna with *an amplifier circuit mounted on a building exterior with said exterior television antenna*; and
> a control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a method that includes selectively amplifying a signal from a television antenna with an amplifier circuit mounted on a building exterior with the antenna with a control line extending into an interior of the building for controlling the gain of the amplifier circuit.

Again, "a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart is entirely inapposite to the claimed subject matter. Therefore, even if Stewart were valid prior art against the present application, for at least the reasons explained here, the rejection based on Stewart of claim 18 and its dependent claims should be reconsidered and withdrawn.

Claim 34 recites:

> A system for controlling an exterior television antenna comprising:
> *amplifying means for selectively amplifying a signal from said television antenna, said amplifying means being mounted on a building exterior with said exterior television antenna*; and
> control means for controlling a gain of said amplifying means, said control means comprising a receiving device inside said building.

(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a system that includes amplifying means for selectively amplifying a signal from a television antenna mounted on a building exterior with the exterior television antenna. Stewart also does not teach or suggest the claimed "control means for controlling a gain of said amplifying means, said control means comprising a receiving device inside said building."

Again, "a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart is entirely inapposite to the claimed subject matter. Therefore, even if Stewart were valid prior art against the present

application, for at least the reasons explained here, the rejection based on Stewart of claim 34 and its dependent claims should be reconsidered and withdrawn.

Claim 47 recites:

> A system for controlling a television antenna comprising:
> *an amplifier circuit mounted with said television antenna and connected to said television antenna*, wherein said television antenna is connected to, but located away from, a receiving device; and
> a control line connected to said amplifier circuit for controlling a gain of said amplifier circuit based on a channel being tuned by said receiving device.

(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a system that includes an amplifier circuit mounted with a television antenna and connected to the television antenna. Stewart also does not teach or suggest the claimed "a control line connected to said amplifier circuit for controlling a gain of said amplifier circuit based on a channel being tuned by said receiving device."

Again, "a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart is entirely inapposite to the claimed subject matter. Therefore, even if Stewart were valid prior art against the present application, for at least the reasons explained here, the rejection based on Stewart of claim 47 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 2 recites "wherein said control line is connected to a television which outputs a control signal on said control line to control said amplifier circuit." In contrast, because Stewart does not teach or suggest an amplifier circuit, Stewart also does not teach or suggest a television that controls an amplifier circuit with an exterior antenna as claimed.

Claim 3 recites "wherein said television outputs said control signal based on a channel being tuned by said television." Stewart does not teach or suggest this subject matter.

Claim 6 recites "wherein said control line also provides power for said amplifier circuit." Because Stewart does not teach an amplifier circuit, Stewart cannot teach a control line that also provides power to an amplifier circuit.

Claim 7 recites "wherein said control line carries a control signal which is a direct current (DC) voltage signal comprising a voltage to power said amplifier circuit plus an additional voltage that varies to indicate a desired gain of said amplifier circuit." Contrary to the assertions in the Office Action, p. 4, Stewart clearly does not teach or suggest this subject matter.

Claim 9 recites "wherein said amplifier circuit comprises a voltage controlled amplifier, wherein said amplifier receives power and a voltage controlling a gain of said amplifier over said control line." Stewart clearly does not teach or suggest this subject matter.

Claim 15 recites:

> wherein:
> said exterior television antenna comprises two or more antenna elements differently oriented;
> said amplifier circuit further comprises two or more amplifiers connected to respective antenna elements; and
> said control line provides independent control signals to said amplifiers to selectively adjust a gain of each of said amplifiers to adjust a polarity of said antenna.

Stewart clearly does not teach or suggest this subject matter.

Claim 16 recites "wherein said amplifier circuit further comprises a summer for combining signals from said two or more amplifiers." Stewart clearly does not teach or suggest this subject matter.

These are merely some examples of the dependent claims that recite subject matter that is not taught or suggested by Stewart. Many similar examples could be cited.

Claims 17, 33, 46 and 62 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Stewart and U.S. Patent No. 6,069,462 to Flynn. As noted above, Stewart is not valid prior art against the present application. Consequently, this rejection under § 103(a) fails for at least this reason. Additionally, these prior art references, if valid against the present application, would still fail to render obvious the subject matter of Applicant's claims for at least the reasons given above in favor of the patentability of the various independent claims.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally,

nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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